IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3141 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE JAYANT PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BACHUBHAI V TADVI

Versus

JAISINGBHAI R TADVI

Appearance:

1. Special Civil Application No. 3141 of 1990

MR RA PATEL for Petitioner No. 1

MR JITENDRA M PATEL for Respondent No. 1

NOTICE SERVED for Respondents No. 2/1-2/5

CORAM : MR.JUSTICE JAYANT PATEL

Date of decision: 15/02/2002

ORAL JUDGEMENT

Heard Mr.R.A.Patel for petitioner and Mr.J.M.Patel for respondents. It is an admitted position

that pending this Special Civil Application the State Government filed Second Appeal No.264/81 and allied matters and ultimately as per the judgment dated 29.4.98 passed by this court (D.C.Srivastava,J) the appeals have been dismissed. It is submitted by both sides that on account of dismissal of second appeal the issue is covered and as a result thereof no illegality can be found in the orders which are challenged in this petition.

2. In view of the above, when this court in exercise of powers in second appeal has already decided the issue on which there is no dispute and therefore this present petition deserves to be dismissed. Rule is discharged. Interim relief granted earlier stands vacated. There shall be no order as to costs.

3. Papers of the second appeal submitted by Mr.J.M.Patel appearing for respondents are placed on record.

15.2.2002 (JAYANT PATEL,J)